

**Brooks F. Cooper, OSB #941772**

Email: [brooks@bcooper-law.com](mailto:brooks@bcooper-law.com)

Brooks Cooper, Attorney at Law

520 SW Sixth Avenue, Suite 914

Portland OR 97204

Telephone (971) 645-4433

Facsimile (503) 296-5704

Of Attorneys for Defendants,  
Smoking Everywhere, Inc. and  
Elico Taieb

FILED 09 SEP 17 15:44:30-09

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

\_\_\_\_\_  
**STATE OF OREGON ex rel. JOHN R.  
KROGER, Attorney General of Oregon,**

**Plaintiff,**

**v.**

**SMOKING EVERYWHERE, INC.,**

**and**

**ELICO TAIEB,**

**Defendants.**

Civil Case No. CV '09 - 6262 - TC

NOTICE OF REMOVAL

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF OREGON:

Defendants Smoking Everywhere, Inc. ("SE") and Elico Taieb ("Taieb") (collectively,  
"Defendants"), by and through their undersigned counsel and pursuant to 28 U.S.C. § 1441, file  
this Notice of Removal of this action from the Circuit Court for Marion County, Oregon.

# 29169

As grounds for removal, Defendants state as follows:

1. State Court Action. On August 18, 2009, an action was commenced in the Circuit Court for Marion County, Oregon, entitled State of Oregon, ex rel. John R. Kroger, Attorney General of Oregon v. Smoking Everywhere, Inc. and Elico Taieb, civil action no. 09C18898.

The action asserts claims for violations of the Oregon Unlawful Trade Practices Act ("UTPA"), ORS §§ 646.608(1)(e) and 646.607(1), and seeks civil penalties, reasonable attorneys' fees and costs, and injunctive relief.

2. Timeliness of Removal. The Complaint in this action was filed on August 18, 2009. Both Defendants were served with summonses and copies of the Complaint on August 25, 2009. Because Defendants' first notice of the Complaint occurred after the Complaint was filed and this Notice of Removal is being filed within thirty days of the date of filing of the Complaint, removal is timely under 28 U.S.C. § 1446(b) as being within thirty days of notice. A copy of the Complaint is attached hereto as Exhibit A.

3. Consent of Defendants. SE and Taieb are the only Defendants named in the action; both seek to exercise their right under 28 U.S.C. § 1441(b) to remove this action from the Circuit Court for Marion County, Oregon, to this Court pursuant to this Notice of Removal.

4. Federal Diversity Jurisdiction. Removal is proper because, as outlined below, this Court has diversity jurisdiction over this action under the provisions of 28 U.S.C. § 1332 as the true and necessary parties' citizenship is diverse and the matter in controversy in this civil action exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

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///

(a) At the time of the filing of this legal proceeding and at the present time, Plaintiff was and is a citizen of the State of Oregon, and, in fact, brings this action on behalf of the State of Oregon.

(b) At the time of the filing of this legal proceeding and at the present time, Defendant Smoking Everywhere, Inc. was and is a corporation duly organized and existing under the laws of the State of Florida and no other state, with its principal place of business in Florida at 5600 N.W. 102nd Avenue, Suite A, Sunrise, Florida 33351.

(c) At the time of the filing of this legal proceeding and at the present time, Defendant Taieb was and is a citizen of the State of Florida residing at 4916 S.W. 162nd Avenue, Miramar, Florida 33027.

(d) The amount in controversy exceeds \$75,000.00, exclusive of interest and costs. The Complaint claims that Defendants have violated the UTPA in no fewer than seven ways, including by allegedly: (i) misrepresenting that their products do not contain carcinogens or toxic chemicals; (ii) claiming that their products are safe; (iii) claiming that their products are safer than traditional cigarettes; (iv) selling cartridges within Oregon that were labeled as not containing nicotine when the actual nicotine content was unknown; (v) selling or distributing vitamin electronic cigarette cartridges; (vi) promoting or advertising vitamin electronic cigarette cartridges; and (vii) targeting minors. (Complaint at ¶¶ 28-43.)

Additionally, the Complaint asserts that *each time* the Defendants engaged in one of the aforementioned activities, a new violation occurred for which Plaintiffs are entitled to civil penalties of up to \$25,000. (*Id.* at ¶¶ 30 ("*Each time* that Defendants misrepresented . . . is a separate and distinct violation . . . ." (emphasis added)), 32, 34 ("*Each time* that Defendants

claimed . . . is a separate and distinct violation . . . ." (emphasis added)), 36 ("*Each time* that Defendants sold . . . is a separate and distinct violation . . . ." (emphasis added)), 40 ("*Each time* that Defendants promoted or advertised . . . was a separate and distinct violation . . . ." (emphasis added)), 44 (seeking civil penalties of "up to \$25,000 for *each* willful violation" (emphasis added)).

In determining whether the minimum "amount in controversy" requirement is met, all of the claims of a single Plaintiff can be aggregated to reach the threshold amount. See, e.g., Budget Rent-A-Car, Inc. v. Higashiguchi, 109 F.3d 1471, 1474 (9th Cir. 1997) ("A declaratory judgment plaintiff may reach the jurisdictional amount by aggregating its multiple claims against a single defendant."); Hunter v. United Van Lines, 746 F.2d 635, 650 (9th Cir. 1984) ("Thus, a single plaintiff may aggregate as many claims as he has against a single diverse defendant in order to meet the jurisdictional amount, even if no single claim reaches that amount."). Even if Plaintiffs were to claim that Defendants had violated the UTPA in each of the seven ways mentioned on only one occasion, Plaintiff would still be seeking civil penalties of up to \$175,000. In actuality, as indicated above, Plaintiff claims that Defendants committed *numerous* "separate and distinct" instances of each type of violations for which they are liable for civil penalties; accordingly, the actual amount of potential civil penalties at issue must exceed even this amount.

Finally, the Complaint also requests reasonable attorney's fees pursuant to ORS § 646.632(8) and Oregon Rule of Civil Procedure 68. (Complaint at ¶ 44) Such an award of attorney's fees must also be included in computing the amount in controversy for purposes of subject matter jurisdiction, see Goldberg v. CPC Int'l, 678 F.2d 1365, 1367 (9th Cir. 1982) (holding that "attorney's fees can be taken into account in determining the amount in controversy

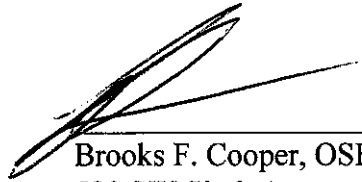
if a statute authorizes fees to a successful litigant"), quoted in Galt G/S v. JSS Scandinavia, 142 F.3d 1150, 1156 (9th Cir. 1998).

5. Jury Demand. Plaintiff did not request a jury in the state court action.

WHEREFORE, Defendants Smoking Everywhere, Inc. and Elico Taieb respectfully request that this Court assume jurisdiction of this case and issue such further orders as may be necessary and appropriate.

Dated September 17, 2009.

Respectfully submitted,

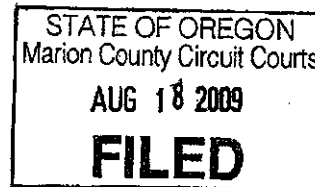
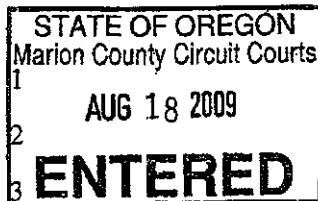


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520 SW Sixth Avenue, Suite 914  
Portland OR 97204  
Telephone (971) 645-4433  
Facsimile (503) 296-5704

Of Attorneys for Defendants,  
Smoking Everywhere, Inc. and  
Elico Taieb

# **EXHIBIT A**



4 IN THE CIRCUIT COURT OF THE STATE OF OREGON

5 FOR THE COUNTY OF MARION

6 STATE OF OREGON ex rel. JOHN R.  
7 KROGER, Attorney General of Oregon,

8 Plaintiff,

9 v.

10 SMOKING EVERYWHERE, INC. and  
ELICO TAIEB, an individual,

11 Defendants.

Case No.

09cv18898

COMPLAINT ALLEGING VIOLATIONS OF  
THE UNLAWFUL TRADE PRACTICES ACT  
(ORS 646 605 TO 646 656)

CLAIM NOT SUBJECT TO MANDATORY  
ARBITRATION

12 Plaintiff, State of Oregon, (State) alleges claims for relief based upon violation of  
13 Oregon's Unlawful Trade Practices Act (UTPA), ORS 646.605 to 646.656. The State alleges  
14 that at all times material herein:

15 ALLEGATIONS COMMON TO ALL CLAIMS

16 1.

17 JOHN R. KROGER is the Attorney General for the State of Oregon and sues in his  
18 official capacity pursuant to ORS 646 632.

19 2.

20 Defendant Smoking Everywhere, Inc. is a Florida corporation. Defendant Elico Taieb is  
21 Smoking Everywhere, Inc.'s President and CEO. On information and belief, Defendant Taieb  
22 controls all aspects of Smoking Everywhere, Inc.'s business. Defendant Taieb and Defendant  
23 Smoking Everywhere, Inc. henceforth shall be referred to collectively as Defendants.

24 ///

25 ///

26 ///

3.

Defendants' business consists of importing electronic nicotine delivery devices (hereinafter "electronic cigarettes") from China and promoting, distributing, and selling those devices throughout the United States, including Oregon.

4.

The Circuit Court for the State of Oregon has personal jurisdiction over Defendants pursuant to ORCP 4A. Defendants engaged in substantial activities within the State by operating a business that provides services that are primarily for personal, family, and household use. All transactions took place in the course of Defendants' business.

5.

Defendants were given the Notice required by ORS 646.632(2) and failed to submit to the Attorney General an acceptable Assurance of Voluntary Compliance

6.

The State was not required to give Defendants the Notice required by ORS 646.632(2) because Defendants' deceptive sale and promotion of electronic cigarettes causes immediate harm to public health, safety, and welfare.

7

Defendants' conduct, as described in this Complaint, was willful within the meaning of ORS 646.605(10).

#### **BACKGROUND**

8

Defendants sold electronic cigarettes for distribution in Oregon. After the State initiated an investigation of Defendants' sales practices, Defendants suspended sales in Oregon.

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///

///



9.

Electronic cigarettes are nicotine delivery devices constructed to mimic the look and experience of smoking a traditional cigarette. Defendants' electronic cigarettes contain a battery-operated, heating element and a replaceable plastic cartridge that contains various chemicals, including liquid nicotine. The heating element vaporizes the liquid, which is inhaled by the user.

10

As a general rule, nicotine delivery devices other than traditional cigarettes, cigars, and chewing tobacco, such as smoking cessation devices, are considered drugs that must be pre-approved by FDA before they lawfully can be distributed for sale in the United States. Prior to approval, FDA requires product manufacturers to submit competent and reliable scientific evidence that demonstrates that a product is safe and effective for its intended use.

11.

Defendants did not submit their electronic cigarettes to FDA for pre-approval because Defendants believed that they found a regulatory loophole that allowed them to sell electronic cigarettes without FDA approval, as long as the devices were not sold as smoking cessation devices.

12.

Defendants' electronic cigarettes are currently not approved by FDA for any purpose.

13

FDA has rejected Defendants' interpretation of the relevant regulatory law, and when Defendants tried to import electronic cigarettes from China, FDA had the shipments seized and detained. Defendants then sued FDA in the United States District Court for the District of Columbia. During that litigation, Defendants have continued to market and sell electronic cigarettes throughout the United States and in Oregon.

///

**DEFENDANTS' PROMOTION OF ELECTRONIC CIGARETTES**

14.

When promoting electronic cigarettes nationally and in Oregon, Defendants have made express claims that electronic cigarettes are safer than traditional cigarettes. When making those safety claims, Defendants implicitly represented that they possessed competent and reliable scientific evidence to substantiate them. In fact, Defendants did not possess such evidence because such evidence does not exist.

15.

When promoting electronic cigarettes nationally and in Oregon, Defendants have made implied claims that electronic cigarettes are safe in general. When making those safety claims, Defendants implicitly represented that they possessed competent and reliable scientific evidence to substantiate them. In fact, Defendants did not possess such evidence because such evidence does not exist.

16.

When promoting electronic cigarettes nationally and in Oregon, Defendants have claimed that their electronic cigarettes contain "no harmful carcinogenic ingredients" and are "free of tar & other chemical substances[,] which [are] produced in traditional cigarettes." In fact, laboratory testing conducted by FDA of Defendants' electronic cigarettes found tobacco-specific nitrosamines that are known carcinogens in humans. FDA testing also detected tobacco-specific impurities that are suspected of being harmful to humans. Diethylene glycol, an ingredient used in antifreeze and known to be highly toxic to humans, also was detected.

17.

Defendants sell electronic cigarette cartridges that contain various amounts of nicotine, including cartridges labeled as containing no nicotine. However, FDA testing found that some of the cartridges labeled as containing no nicotine, in fact, contained detectable levels of nicotine.

///

18

Defendants' product labeling for its products initially failed to disclose the danger associated with nicotine use. Although Defendants' later promotional materials indicate that electronic cigarettes are "not intended for pregnant women or those sensitive to nicotine" and that "nicotine is highly addictive and may be dangerous to your health," those statements fail to adequately disclose the dangers presented by Defendants' electronic cigarettes, because they do not clearly and conspicuously disclose that nicotine can cause dangerous increases in heart rate and blood pressure and should not be used by individuals with hypertension or heart disease.

19.

Defendants promote and sell electronic cigarette cartridges that are labeled as "dietary supplements." (See Exhibit 1). Those cartridges are prominently labeled as "Vitamin" and come in various flavors, including banana, blueberry, bubblegum, grape, "cookies n' cream," "chocolate chip cookies," cola, "energy drink," and "ginseng energy." Those cartridges also are prominently labeled in a manner that indicates that they contain vitamin B, vitamin D, vitamin C, and multivitamins (hereinafter collectively referred to as "vitamin electronic cigarette cartridges")

20.

The contents of vitamin electronic cigarette cartridges are not dietary supplements because they are not eaten or otherwise delivered into the gastrointestinal system; rather, users inhale them as a vapor into the lungs.

21

When Defendants promote vitamin electronic cigarette cartridges, Defendants implicitly represent that a user will absorb the advertised vitamin into his or her body in meaningful quantities.

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///

22.

When Defendants promote vitamin electronic cigarettes, Defendants implicitly represent that they have competent and reliable scientific evidence to substantiate their claim that a user will absorb the advertised vitamin into his or her body in meaningful quantities.

23.

No competent and reliable evidence exists to substantiate the claim that an electronic cigarette user will absorb the advertised vitamin into his or her body in meaningful quantities. On information and belief, vitamins cannot be delivered effectively into the human body using an electronic cigarette as a delivery device.

24.

Defendants' promotional efforts target adolescents and youths who are likely not already addicted to nicotine. Although Defendants' advertisements claim that their products are "intended for use by adult smokers," their advertisements are in fact designed to attract young people. For example, Defendants use young women who look like teenagers as models in their advertisements. (See Exhibit 2)

25.

Defendants' electronic cigarettes come in flavors such as bubblegum, chocolate, fruit punch, "chocolate chips cookies," "energy drink," and "cookies n' cream." Such flavors are known to appeal to young people; electronic cigarettes with these flavors are more likely to be used by first time smokers and are less likely to be attractive to traditional cigarette smokers.

26.

Defendants knowingly and unconscionably targeted "kids." Defendants staged a promotional event on the Howard Stern radio show -- a show known for its adolescent humor -- and posted a recording of the event on Defendants' Internet website. Among other things, the recording told listeners: "for kids out there, you still look cool 'cause, like, it still looks like a cigarette..."

1 27.

2 As a result of Defendants' unconscionable promotion of electronic cigarettes to young  
3 people, Defendants' product likely will function as a gateway to tobacco abuse and nicotine  
4 addiction in young people.

5 **CLAIMS FOR RELIEF**  
6 **UNLAWFUL TRADE PRACTICES**  
7 **FIRST CLAIM FOR RELIEF**  
8 **ORS 646.608(1)(e)**

8 28.

9 The UTIPA prohibits a person acting in the course of the person's business, vocation, or  
10 occupation from representing that goods have sponsorship, approval, characteristics, ingredients,  
11 uses, benefits, quantities, or qualities that they do not have or that a person has a sponsorship,  
12 approval, status, qualification, affiliation, or connection that the person does not have. ORS  
13 646.608(1)(e). Under the UTIPA, a "person" includes natural persons and corporations. ORS  
14 646.605(4).

15 **COUNT I**

16 29.

17 The State realleges and incorporates each and every allegation contained in the preceding  
18 paragraphs 1 through 27.

19 30

20 Defendants violated ORS 646.608(1)(e) by misrepresenting that their electronic cigarettes  
21 do not contain carcinogens or toxic chemicals when in fact, some of the electronic cigarette  
22 nicotine cartridges sold by Defendants contain such chemicals. Each time that Defendants  
23 misrepresented that their products do not contain carcinogens or toxic chemicals is a separate and  
24 distinct violation of ORS 646.608(1)(e).

25 ///

1 **COUNT II**

2 31.

3 The State realleges and incorporates each and every allegation contained in the preceding  
4 paragraphs 1 through 27.

5 32.

6 Defendants violated ORS 646.608(1)(e) by misrepresenting that their electronic cigarettes  
7 are safe when in fact, the safety of these products is unknown. Each time that Defendants  
8 claimed that their electronic cigarettes are safe is a separate and distinct violation of ORS  
9 646.608(1)(e).

10 **COUNT III**

11 33

12 The State realleges and incorporates each and every allegation contained in the preceding  
13 paragraphs 1 through 27

14 34

15 Defendants violated ORS 646.608(1)(e) by misrepresenting that their electronic cigarettes  
16 are safer than traditional cigarettes when in fact, the relative safety of electronic cigarettes, when  
17 compared with traditional cigarettes, is unknown. Each time that Defendants claimed that their  
18 electronic cigarettes are safer than traditional cigarettes is a separate and distinct violation of ORS  
19 646.608(1)(e).

20 **COUNT IV**

21 35.

22 The State realleges and incorporates each and every allegation contained in the preceding  
23 paragraphs 1 through 27.

24 36

25 Defendants violated ORS 646.608(1)(e) by misrepresenting that nicotine cartridges that  
26 were labeled "no nicotine" did not contain nicotine when, in fact, some of the cartridges labeled

1 as containing "no nicotine" actually contained detectable levels of nicotine. Each time that  
 2 Defendants sold a cartridge distributed in Oregon that was labeled as not containing nicotine, and  
 3 the actual nicotine content was unknown, is a separate and distinct violation of ORS  
 4 646.608(1)(e).

#### 5 COUNT V

6 37.

7 The State realleges and incorporates each and every allegation contained in the preceding  
 8 paragraphs 1 through 27.

9 38.

10 Defendants violated ORS 646.608(1)(e) by misrepresenting that vitamin electronic  
 11 cigarette cartridges are dietary supplements. Each time that Defendants' vitamin electronic  
 12 cigarette cartridges were sold or distributed in Oregon was a separate and distinct violation of  
 13 ORS 646.608(1)(e)

#### 14 COUNT VI

15 39.

16 The State realleges and incorporates each and every allegation contained in the preceding  
 17 paragraphs 1 through 27.

18 40.

19 Defendants violated ORS 646.608(1)(e) by misrepresenting that the vitamins in vitamin  
 20 electronic cigarette cartridges can be absorbed by "smoking" them with an electronic cigarette.  
 21 Each time that Defendants promoted or advertised vitamin electronic cigarette cartridges in  
 22 Oregon was a separate and distinct violation of ORS 646.608(1)(e).

23 ///

24 ///

25 ///

26 ///

**SECOND CLAIM FOR RELIEF**  
**ORS 646.607(1)**

41.

The UTPA prohibits a person acting in the course of the person's business, vocation, or occupation from employing unconscionable tactics in connection with the sale of goods ORS 646.607(1). Under the UTPA, a "person" includes natural persons and corporations. ORS 646.605(4).

**COUNT I**

42.

The State realleges and incorporates each and every allegation contained in the preceding paragraphs 1 through 27.

43.

Defendants employed unconscionable sales tactics and violated ORS 646.607(1) by targeting minors in the course of promoting their electronic cigarettes.

**PRAYER FOR RELIEF**

44.

**WHEREFORE**, plaintiff prays for relief as follows:

- 1) For judgment against Defendants for civil penalties of up to \$25,000 for each willful violation of the Unlawful Trade Practices Act ORS 646.605 et seq.;
- 2) For judgment against Defendants for reasonable attorney fees and costs pursuant to ORS 646.632(8) and ORCP 68;

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1 3) For judgment awarding the following injunctive relief pursuant to ORS 646.632:

- 2 a) Require Defendants to refund the full purchase price for all electronic cigarettes  
3 sold directly, or indirectly, by Defendants in Oregon;
- 4 b) Require Defendants to comply with all applicable law regulating the sale of  
5 tobacco products and/or nicotine delivery devices;
- 6 c) Prohibit Defendants from selling electronic cigarettes in Oregon, and require  
7 Defendants to take all reasonable and necessary steps to stop their distributors and  
8 retailers from selling their electronic cigarettes in Oregon until and unless:
- 9 i) Defendants' electronic cigarettes are approved as a drug or device by the  
10 FDA;
- 11 ii) FDA determines that it will not exercise jurisdiction over Defendants'  
12 electronic cigarettes as a drug or medical device;
- 13 iii) a court of competent jurisdiction determines that FDA is enjoined from  
14 detaining Defendants' electronic cigarettes or that FDA lacks jurisdiction to  
15 take administrative action against Defendants' electronic cigarettes pursuant  
16 to its statutory authority over drugs and/or medical devices, and the court's  
17 ruling is not stayed; or
- 18 iv) FDA issues a notice or takes other action identifying its intention to regulate  
19 electronic cigarettes as "tobacco products," as that term is defined in the  
20 Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act),  
21 Public Law No 111-31, H.R. 1256, 111th Cong. (2009) and FDA takes no  
22 further action to prohibit the sale of electronic cigarettes.
- 23 d) If any of the events described in paragraph 44(c)(i-iv) above occur and  
24 Defendants resume sales in Oregon, prohibit Defendants, in connection with the  
25 manufacturing, labeling, advertising, promotion, offering for sale, sale, or  
26 distribution of their products, from making any express or implied representation

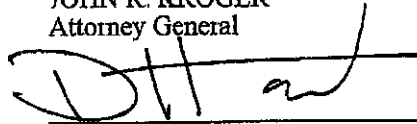
- 1 concerning their products' efficacy, performance, safety or benefits, unless, at the  
 2 time that the representation is made, Defendants possess and rely upon competent  
 3 and reliable scientific evidence that substantiates that representation;
- 4 e) Permanently restrain and enjoin Defendants, individually or in any business or  
 5 corporate capacity, from making any express or implied statements in the offer or  
 6 sale of their products that have the capacity, tendency, or effect of deceiving or  
 7 misleading consumers, or that fail to state any material fact, the omission of  
 8 which deceives or tends to deceive;
- 9 f) Permanently restrain and enjoin Defendants, individually or in any business or  
 10 corporate capacity, from promoting, marketing, or advertising electronic  
 11 cigarettes in any way that directly or indirectly targets minors. Conduct  
 12 prohibited under this section includes, but is not limited to, using images that  
 13 depict persons who reasonably appear to be under 26 years old and/or graphics  
 14 likely to appeal to children; offering flavors that likely will appeal to minors, such  
 15 as fruit, herb, spice, coffee, cookie, candy, or cola flavors; and placing  
 16 advertisements and promotional materials in locations likely to be seen by  
 17 minors;
- 18 g) Permanently restrain and enjoin Defendants, individually or in any business or  
 19 corporate capacity, from promoting, marketing, or advertising electronic  
 20 cigarettes in any way that directly or indirectly indicates that they are dietary  
 21 supplements
- 22 4) For a judgment that all injunctions herein shall apply to Defendants individually and  
 23 through any present or future corporation or other organization or entity whose acts,  
 24 practices, or policies are directed, formulated, or controlled by either defendant or in  
 25 which Defendants are a principal or own any interest; to Defendants' successors and  
 26 assigns, agents, representatives and employees, directly or through any affiliate,

1 corporation, subsidiary, division or other related entity consumer; and,  
2 5) For a judgment granting any other or further remedial relief that the Court deems  
3 appropriate pursuant to ORS 646.636.

4 Dated August 17, 2009.

5 Respectfully submitted,

6 JOHN R. KROGER  
7 Attorney General

8 

9 David A. Hart, OSB No. 00275  
10 Senior Assistant Attorney General  
11 Of Attorneys for Plaintiffs  
12 1162 Court Street, N.E.  
Salem, OR 97301-4096  
Phone: (503) 947-4333  
Fax: (503) 378-5017  
Email: [david.hart@state.or.us](mailto:david.hart@state.or.us)

13 Merrill A. Maiano, OSB No. 082370  
14 Assistant Attorney General  
15 Of Attorneys for Plaintiffs  
16 1162 Court Street, N.E.  
Salem, OR 97301-4096  
Phone: (503) 947-4400  
Fax: (503) 378-5017  
Email: [merrill.a.maiano@state.or.us](mailto:merrill.a.maiano@state.or.us)

Become an Affiliate | [Contact Us](#)**Smoking Everywhere E-Cigarette Vitamin Cartridge:**

The cartridges come in a pack of 5 and are available in four strengths:

- High (16mg Nicotine)
- Medium (11mg Nicotine)
- Low (6mg Nicotine) and
- Non (0mg Nicotine)

Each cartridge is equivalent to aprox 20 traditional cigarettes (100-200 puffs).

The taste of the Smoking Everywhere cartridge resembles that of tobacco.

**Smoking Everywhere Cartridges comes in the following flavors:**

- Tobacco flavor (just like real cigarette)
- Apple
- Cherry
- Strawberry
- Chocolate
- Vanilla
- Coffee
- Mint

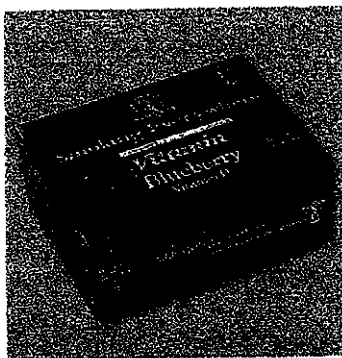
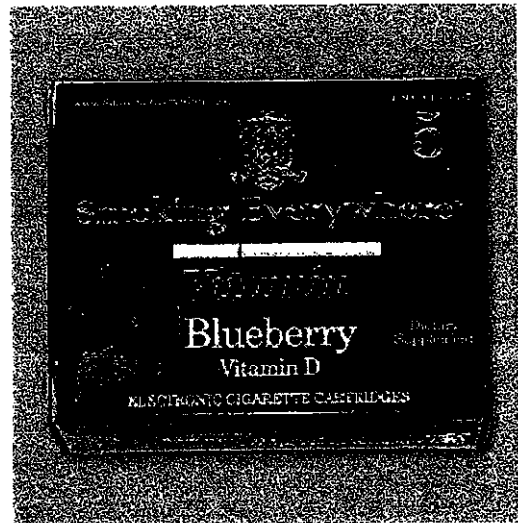


Exhibit 1  
Page 1 of 2

Smoking Everywhere E-Cigarette: Electronic Cigarette Vitamin Cartridges

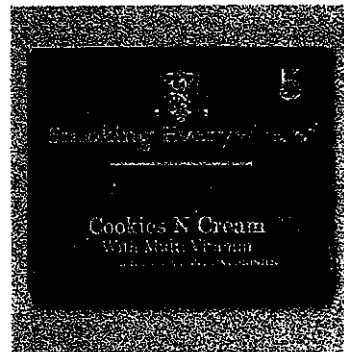
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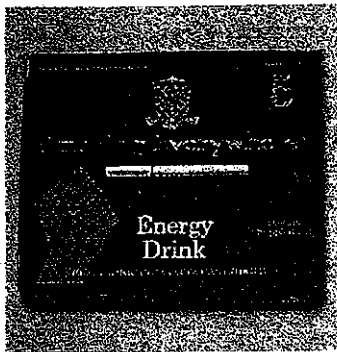
BUY NOW



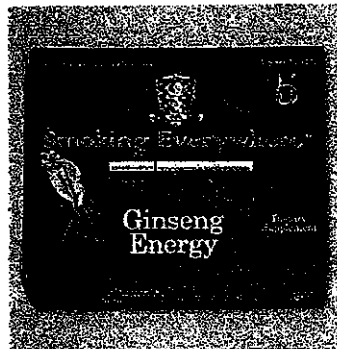
BUY NOW



BUY NOW



BUY NOW



BUY NOW



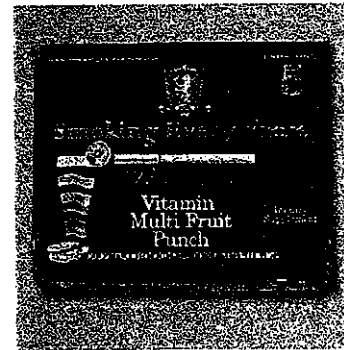
BUY NOW



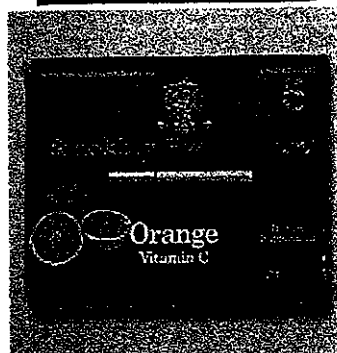
BUY NOW



BUY NOW



BUY NOW



BUY NOW



BUY NOW

Exhibit 1  
Page 2 of 2

Electronic Cigarettes comes in different flavors

Page 1 of 2

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## Smoking Everywhere E-Cigarette comes in different flavors:

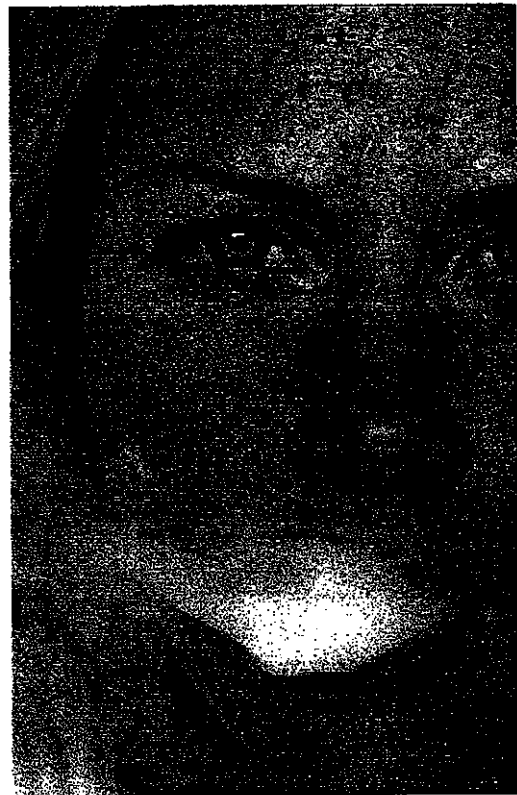
The Smoking Everywhere E-Cigarette cartridges come in various nicotine flavors including"

- Tobacco (designed to taste like real cigarette)
- Apple
- Cherry
- Strawberry
- Chocolate
- Coffee
- Vanilla
- Mint

The Smoking Everywhere E-Cigarette cartridges also come in various strengths of nicotine, such as:

- High (16mg nicotine)
- Medium (11mg nicotine)
- Low (6mg nicotine)
- Non (0mg nicotine).

The Smoking Everywhere E-Cigarette is intended only for adult smokers (at least 18). Keep out of the reach of children.


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### products

Electronic Cigarette Kit  
Cartridges  
Electronic Pipe Kit  
Cartridges Pipe  
Cartridges Classic  
Car Charger  
Metal Case  
Warranty

### Alternative Option

Eco Friendly  
Non Flammable  
Can Be Smoked almost  
Everywhere  
Cool Design  
Different Flavors  
Rechargeable  
Cheaper Than Cigarette  
A tar-free option  
Downloads

### about us

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Sawgrass Mills Mall  
ABC News  
Breaking News

### opportunity

Become a Distributor  
International Distributor  
Work From Home  
Affiliate Login

### faqs

What is it?  
How Does it Work?  
How to use the E-Cig?  
Testimonials  
Downloads

Exhibit 2  
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## Smoking Everywhere E-Cig offers smokers a tar-free way to enjoy smoking:

Smoking Everywhere E-Cigarette has no tobacco, no tar, no real smoke and no other chemicals like traditional cigarettes that are known to cause lung cancer. However, It looks like a real cigarette, feels like a real cigarette and tastes like a real cigarette, yet it isn't a real cigarette. It also may be cheaper and offers smokers a tar-free way to enjoy smoking!!!



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### products

Electronic Cigarette Kit  
Cartridges  
Electronic Pipe Kit  
Cartridges Pipe  
Cartridges Classic  
Car Charger  
Metal Case  
Warranty

### Alternative Option

Eco Friendly  
Non Flammable  
Can Be Smoked almost  
Everywhere  
Cool Design  
Different Flavors  
Rechargeable  
Cheaper Than Cigarette  
A tar-free option  
Downloads

### about us

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### opportunity

Become a Distributor  
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### faqs

What is it?  
How Does it Work?  
How to use the E-Cig?  
Testimonials  
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Exhibit 2  
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Patent Pending #12/386,185

Smoking Everywhere Electric Cigarette is Non-Flammable

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### Smoking Everywhere Electric Cigarette is Non-Flammable:

The Smoking Everywhere Electric Cigarette is a completely non-flammable electronic device. There is no danger of fire from ordinary usage (It does contain a lithium battery which carries certain explosion risks if ignited), anything burning and no substance in it lit. Smoking Everywhere Electric Cigarette is CE & Rohs certified.


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Smoking Everywhere E-Cigarette is intended for use by adult smokers and not intended for pregnant women or those who are sensitive to nicotine. Nicotine is highly addictive and may be dangerous to your health. Smoking Everywhere E Cigarette is not intended as a smoking cessation device. Smoking Everywhere ECig offers smokers a tar-free way to enjoy smoking.

**SURGEON GENERAL'S WARNING:**  
Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

Exhibit 2  
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